

Individualized Education Program (IEP)

INTRODUCTION

Every public school child who receives special education services must have an Individualized Education Program (IEP). The IEP must be a truly individualized document designed for a specific child. The IEP creates opportunities for school administrators, teachers, parents, and the student to work together to improve educational results for the child with disabilities.

The Individuals with Disabilities Education Act (IDEA) requires certain information to be included in each child's IEP. States and local school systems can design their own IEP document but they have to meet certain aspects of federal or state law. The flexibility that states and school systems have to design their own IEP forms is one reason why they may look different from one education system to another. However, each IEP must meet the federal requirements and is critical in the education of a child with a disability.

To create an effective Individualized Education Program, parents, school staff, and even the student must come together to look closely at the student's needs. The participants pool their knowledge and experience to develop an educational program that will help the student be involved and progress in the school's general education curriculum. The IEP guides the delivery of special education supports and services for the student with a disability.

The Individuals with Disabilities Education Act (IDEA) defines a child with a disability as follows:

1. In general, the term "child with a disability" means a child:
 - with mental retardation (MR) or mild mental retardation (MiMR), hearing impairments (including deafness), speech or language impairments (SLI), visual impairments (including blindness), serious emotional disturbance (hereinafter referred to as "emotional disturbance" or ED), orthopedic impairments, autism, traumatic brain injury (TBI), other health impairments (OHI), specific learning disabilities (SLD), and
 - who, by reason thereof, needs special education and related services.
2. Child aged 3 through 9: The term "child with a disability" for a child aged 3 through 9 may, at the discretion of the State and the local educational agency, include a child:
 - experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and
 - who, by reason thereof, needs special education and related services.

KEY MEMBERS

Once it has been determined that a child needs special education services within 60 days, a meeting to create that child's IEP must be held within 30 days. There are several specific members who are required by law to participate in the creation of a child's IEP. The team members are as follows:

- the parents (and other family members)
- the child's regular education teacher (presence no always need if the child is already in special services)
- the child's special education teacher
- a school system representative

- an occupational, physical, and/or speech therapist
- a person to interpret the child's evaluation results (a psychologist)
- a transition services representative (if necessary)

The child should be included in the process if old enough to understand and possibly assist the team in planning for his/hers future. Other individuals with specific knowledge about or expertise with the child can also be included on the IEP development team. It is important to note that one person could be qualified to fill more than one of these positions and may do so. Each of these team members will be further explained below.

- **Parents**

The parents should be obvious members on the IEP planning team. No other people involved in the process should know more about their child's abilities and limitations. Parents can offer comments on how their child best seems to learn things at home, and whether the things the child learns in school are being used at home. The parents can explain the child's interests and things that motivate the child. Parental input combined with the input from other team members can fully round out a child's progress and potential for the entire team to understand.

- **Regular Education Teacher**

Teachers are critical participants at the IEP meetings. A regular education teacher can assist with the IEP group's determination of what types of services and education programs can help the child to learn. The regular teacher also has knowledge about the general curriculum that is taught in the school. The teacher may even have prior experience working with a child with similar learning and/or behavioral issues. Once strategies for the IEP are determined, the regular education teacher can inform the group of any specialized training that the teacher or other support staff will need to help the child meet the IEP goals. This teacher also becomes aware of accommodations that will help the child succeed.

- **Special Education Teacher**

The special educator is the person who is devoted to working with the student and delivering the special education services. This teacher can also work with the regular educator as well in larger classroom settings and help school staff address a child's unique needs. On the IEP team the special educator can help modify the general curriculum to adjust it to the child's learning level and create evaluation tools to measure the child's progress. The special educator may also be able to suggest adaptations, additional services or equipment that can be put in place to assist the child's classroom experience.

- **School Administrator (or designee)**

The administrator brings to the IEP team the authority to bring in whatever resources and services are deemed necessary to the program. The administrator also has knowledge about the special education programs offered within the school system and should have an understanding of how they operate to help the children they instruct. This person does not have to be the principal, but rather their designee.

- **Academic Evaluation Interpreter**

The evaluation interpreter has a very important role on the Individualized Education Program team. This person must be able to evaluate where the child is academically and identifies areas that need to be boosted to help the child's progress. The evaluator's input will help the rest of the team determine what types of services will be required to support each area of need that is identified.

- **Transition Services Representative**

This person represents an agency that will be likely to be responsible for the student's transition services. The agency may actually provide the services or pay for the services. If the representative does not participate in the planning, the school is responsible for making the arrangements with the agency to ensure transition needs are met.

Transition refers to activities meant to prepare students with disabilities for adult life. These activities begin with the development of post secondary education and career goals, getting work experience, and connecting with adult service providers – whatever is appropriate for the student, given their

interests, strengths and needs. Typically, transition is broken down into the planning stage, when the student reaches age 14 and the services stage starting at about age 16. The planning stage is worked on with the student to help get course work arranged to meet long-term goals for when the student becomes an adult. The services stage is when the actual needs of the student are being addressed. These needs are related to adult living, college or technical school, employment, and interacting with the surrounding community.

- **Student**

The student's involvement in the IEP can be important, as well. The student can take an active part in planning for his or her own future, providing confidence and assuring that wants and needs are addressed. In older students, getting them involved in their transition planning and services allows them to have a fuller understanding of where they are heading for their future.

- **Knowledgeable Expert**

This person, or people in some cases, is invited to attend the planning meetings by either the parents or school district. A knowledgeable expert can be a private tutor that has been working with the child, the child's advocate, physicians, or any other person who has specific expertise in some aspect of the child's life. Knowledgeable experts can also be professionals who are currently providing services being provided to the child or services that would better help the child in the future.

THE PROCESS

Before the Individualized Education Program (IEP) can even begin, a child must be identified as having a disability. The parents or a professional (i.e. teacher) at a child's school can request that a child be evaluated to determine if a disability exists. Parental consent is required if the parents do not initiate the request. Sixty calendar days from the time of consent is allowed for this testing.

The child's evaluation must encompass anything related to the suspected disability. Qualified professionals sit down with the parents and review the results of the evaluation. Together they decide if the child meets the criteria to be classified as having a disability. If diagnosed with a disability, the results of the evaluation are used to determine what types of services and special education programs will best address that need. The parents can challenge the results of the evaluation and even request that the school system pay for a second, independent educational evaluation. If the child meets the criteria to be classified as having a disability and needing specialized instruction, the IEP team is required to meet within 30 days to write the IEP for that child.

Organizing the IEP team meeting is the responsibility of the school and its staff. The staff must contact all of the participants and select a time and place that works out for the parents and school administrators. Staff must also inform the parents about who will be attending the meeting and allow the parents to invite people they feel would be helpful to the planning. Once the team meets, they will discuss the child and the evaluation results to write an IEP.

Prior to writing the education program for a child, team members review any past classroom evaluations, go over observations made by people involved with the child, and cover any standardized test results that have been completed by the child. Members also discuss the child's strengths in any areas and address any additional factors necessary for the child to be better prepared to meet the annual goals. Additional factors can include: visual or hearing impairments, communication difficulties, behavioral issues, and assistive technologies. Team members need to keep in mind that the results of their efforts need to help advance the child to meet the annual goals. When possible, the IEP should also help include the child toward involvement in the general curriculum of the school and extracurricular activities, and help the child interact with other children in the educational setting.

Before the child can begin receiving services and special instruction under the IEP, the parents must approve of the plan. If the parents do not approve, they may negotiate with other team members to re-write the IEP, or parents may ask for mediation with the school. The parents could also file a due process complaint about the IEP and meet with the school staff before a hearing officer to present both sides of the dispute. The final appeal would involve the parents filing a complaint with the state education agency and requesting a hearing with mediation at the state level.

Once the IEP is approved, the child's school will begin implementing the program. The child's progress needs to be measured according to the guidelines written into the IEP to make sure the child is staying on schedule to meet the annual goals. Parents will be given progress reports on how their child is doing. The reports should be made as often as needed or, at a minimum, whenever the general education students receive their progress reports.

At least once a year the IEP team re-assembles to assess how well the child is being served by the IEP. This review should include the child's progress or lack of progress toward reaching the annual goals. The parents and school staff may also have new information based on their observations of the child. At this time, team members can make recommendations on how to change the IEP to meet the child's developing needs, and revise services or education plans to better serve the child. At least once every three years the child should be re-evaluated, to determine if the child still meets the disability criteria. The child can be re-evaluated more often if a teacher, parent, or circumstances warrant an updated evaluation.

IEP CONTENTS

The Individualized Education Program is specifically created to identify and address the unique needs of an individual child. When the IEP is followed, improvements should be seen in how well the child learns and retains information. The results will be a better overall education for the child, and a progression in the child's knowledge and experience. This section will discuss the minimum information that is required by law to be contained in an IEP.

- ***Dates and places***
The IEP must list when services will begin, how long they will last, how often they will be provided, and where they will be provided.
- ***Annual goals***
These are goals that the child can reasonably accomplish in a year. They are broken down into short-term objectives or benchmarks. The goals can address academic, social or behavioral needs. They must be measurable (meaning that it must be possible to determine whether the student has achieved the goals).
- ***Measuring progress***
The IEP must state how the child's progress will be measured and how parents will be informed of that progress.
- ***Current performance/Present Levels***
The IEP must state how the child is currently doing in school. This information usually comes from the evaluation results such as classroom tests and assignments, individual tests given to decide eligibility for services, and observations made by parents, teachers, and other related service providers. The statement about "current performance" includes how the child's disability affects his or her involvement and progress in the general curriculum.
- ***Participation in mandatory standardized tests***
Most states and districts give achievement tests to children in certain grades or age groups. The IEP must state what modifications in the administration of these tests the child will need. If a test is not appropriate for the child, the IEP must state why the test is not appropriate and how the child will be tested instead (and what accommodations they will receive).
- ***Special education and related services***
The IEP must list the special education and related services to be provided to the child or on behalf of the child. This includes modifications (changes) to the program or supports for school personnel such as training or professional development that will be provided to assist the child.
- ***Participation with non-disabled children***
The IEP must explain the extent (if any) to which the child will not participate with non-disabled children in the regular class and other school activities.

- **Transition services**
Beginning at age 14 (or younger, if appropriate), the IEP must address the courses the child needs to take to reach post-school goals. A statement of transition services needs must also be included in each of the child's subsequent IEPs.
- **Needed Transition services**
Beginning at age 16 (or younger, if appropriate), the IEP must state what transition services are needed to help the child prepare for leaving school.
- **Age of majority**
Beginning at least one year before the child reaches the age of majority (legal adulthood), the IEP must include a statement that the student has been told of any rights that will transfer to him or her at the age of majority. (This statement would be needed only in states that transfer rights at the age of majority.)

PLACEMENT

Another item to be included in a child's IEP is the placement. The placement is decided by a group of people who know what the evaluation results mean and what types of placements are appropriate. The parents have a right to be members of this group. The IEP team can serve as the placement decision group or the decision may be made by another group of people. How the group is formed is determined by the state's authority. Placement decisions must be made abiding by the Individuals with Disabilities Education Act (IDEA) requirements that to the maximum extent appropriate. Children with disabilities are to be educated in the least restrictive environment (LRE). This may mean being with children who do not have disabilities.

IDEA also states that special classes, separate schools, or other removal of children with disabilities from the regular educational environment may occur only if the nature or severity of the child's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. Placements can be in the regular class (with supplementary aids and services, as needed), in a special class (where every student in the class is receiving special education services), in a special school, at home, in a hospital and institution, or in another setting. The placement group bases its decision on the IEP and what is appropriate for the child and provides the least restrictive environment (LRE).

However, it is important to understand that the rights of children with disabilities who are placed by their parents in private elementary/secondary schools are not the same as those of kids with disabilities who are enrolled in public schools or placed by public agencies in private schools when the public school is unable to provide a free appropriate public education (FAPE).

Two major differences that parents, teachers, other school staff, private school representatives, and the kids need to know about are:

- Children with disabilities who are placed by their parents in private schools may not get the same services they would receive in a public school.
- Not all kids with disabilities placed by their parents in private schools will receive services.

DISTRIBUTION AND IMPLEMENTATION

When the written IEP has been finalized the parents must receive a free copy. Educators and related service providers must also be given access to review the program. Each person needs to know his or her specific responsibilities for carrying out the child's IEP. This ensures the child will receive the services that have been planned, including any modifications and accommodations the IEP team decided are needed.

Before the initial IEP can be implemented, the parents must give their written permission for the school to start the child's special education services (usually done at the IEP meeting). This permission is only required the first time services are started. Later, when the IEP has been modified and service changes have been approved by the program team, parental written permission is no longer required.

Implementation of the education program begins with the start of special education and related services that were identified for the child. These include using all supplementary aids and services and program modifications that were deemed necessary for the child to advance toward his or her annual goals, involvement and progress in the general curriculum, and participating in other school activities.

It is helpful to have someone in charge of coordinating and monitoring the services the child receives. The child may be receiving any number of related services, with many people involved in delivering those services. Having one person in charge of overseeing the implementation helps to ensure that services are being delivered as planned and that the IEP is being carried out. Even with one coordinator/case manager, teamwork will always be an important part in carrying out the education program. Sharing expertise and insights can help make everyone's job a lot easier and can certainly improve results for children with disabilities. Schools can encourage teamwork by giving teachers, support staff, and/or paraprofessional's time to plan or work together on topics like adapting the general curriculum to address the child's unique needs.

Communication between home and school is also important, and should therefore be on-going. Parents can share information about what is happening at home and build upon what the child is learning at school. If the child is having difficulty at school, parents may be able to offer insight or help the school explore possible reasons as well as possible solutions. Regular progress reports will help parents and schools monitor the child's progress toward his or her annual goals. Like general education students, the child/family should receive a mid-term and quarterly report card. Together, parents and school personnel can then address the child's needs as they progress or falter during the academic year.